1	THE HONORABLE JAMES L. ROBART		
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7	UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON		
8	CENTER FOR BIOLOGICAL DIVERSITY,	No. 2:13-cv-01866-JLR	
9	Plaintiff,		
10	v.		
11	UNITED STATES ENVIRONMENTAL	AMICI CURIAE'S MOTION FOR	
12	PROTECTION AGENCY; GINA McCARTHY, Administrator; and DENNIS	LEAVE TO FILE REPLY BRIEF	
13	McLERRAN, Region 10 Administrator, United States Environmental Protection	NOTE ON MOTION CALENDAR:	
14	Agency,	November 7, 2014	
15	Defendants.		
16		I	
17	Amici curiae Western States Petroleum Association and American Petroleum Institute		
18	(the "Associations") respectfully request leave to file a reply brief in the above-captioned		
19	matter. 1 The Associations' short proposed reply brief is attached to this motion. 2 The plaintiff's		
20	counsel has stated that the plaintiff objects to this motion. The defendants' counsel has stated		
21	that the defendants take no position on this motion.		
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23	- 		
24	¹ The Associations are not permitted to file a reply memorandum without obtaining this Court's authorization to do so. <i>See</i> Dkt. 22 at 21.		
25	² The Associations have limited their proposed reply brief to 7.5 pages (one-half the length of their primary brief), consistent with the Court's briefing schedule, which allows for the		
26	defendant to file a reply brief that is one-half t		
	AMICI'S MOTION FOR LEAVE TO FILE R	EPLY BRIEF	

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1	The Associations' proposed reply brief is limite	ed to the sole issue of whether the plaintiff	
2	2 has satisfied the Article III standing requirements. Star	nding is an important jurisdictional issue	
3	3 in this case that must be addressed by the Court prior to	consideration of the merits of the	
4	4 plaintiff's claims. The Associations' proposed reply br	rief addresses, among other things, certain	
5	key misstatements of statutory and case law contained	in the plaintiff's response brief that were	
6	6 not presented in the plaintiff's opening brief and that w	ill otherwise go unanswered. The	
7	proposed reply brief is limited to addressing the plaintiffs' response arguments and, accordingly,		
8	the plaintiff is not prejudiced by the filing of the proposed reply brief, particularly considering		
9	that the plaintiff has already had two opportunities to address standing. On the other hand, the		
10	filing of the proposed reply brief will allow for full development of the threshold standing		
11	question presented in this case. For these reasons, the Associations respectfully request leave to		
12	2 file the attached proposed reply brief.		
13	3		
14	,	L RIVES LLP	
15		L KIVES LLP	
16	Ryan I	<i>In P. Steen</i> P. Steen, WSBA No. 39922	
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22		leys for Western States Petroleum iation and American Petroleum Institute	
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1	<u>CERTIFICATE OF SERVICE</u>
2	I hereby certify that on October 23, 2014, I filed a true and correct copy of the foregoing
3	document with the Clerk of the Court for the United States District Court – Western District of
4	Washington by using the CM/ECF system. Participants in this Case No. 2:13-cv-01866-JLR
5	who are registered CM/ECF users will be served by the CM/ECF system.
6	/s/ Ryan P. Steen
7	Ryan P. Steen
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